

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE ENVISION SAN JOSE 2040 GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE TO MODIFY THE LAND USE/TRANSPORTATION DIAGRAM TO NEIGHBORHOOD/COMMUNITY COMMERCIAL ON AN APPROXIMATELY 0.66 GROSS ACRE SITE LOCATED AT 3354 KEATON LOOP (ASSESSOR PARCEL NUMBERS: 659-05-039, 659-05-021)**

**Winter 2022 General Plan Amendment Cycle (Cycle 1)**

**FILE NO. GP21-003**

**WHEREAS**, the City Council is authorized by Title 18 of the San José Municipal Code and state law to adopt and, from time to time, amend the General Plan governing the physical development of the City of San José; and

**WHEREAS**, on November 1, 2011, the City Council adopted the General Plan entitled, "Envision San José 2040 General Plan, San José, California" by Resolution No. 76042, which General Plan has been amended from time to time (hereinafter the "General Plan"); and

**WHEREAS**, in accordance with Title 18 of the San José Municipal Code, all general and specific plan amendment proposals are referred to the Planning Commission of the City of San José for review and recommendation prior to City Council consideration of the amendments; and

**WHEREAS**, on January 12, 2022, the Planning Commission held a public hearing to consider the proposed amendment to the General Plan, File No. GP21-003 specified in Exhibit "A" hereto ("General Plan Amendment"), at which hearing interested persons were

given the opportunity to appear and present their views with respect to said proposed amendments; and

**WHEREAS**, at the conclusion of the public hearing, the Planning Commission transmitted its recommendations to the City Council on the proposed General Plan Amendment; and

**WHEREAS**, on February 8, 2022, the Council held a duly noticed public hearing; and

**WHEREAS**, a copy of the proposed General Plan Amendment is on file with the office of the Director of Planning, Building and Code Enforcement of the City, and available electronically on the Department of Planning, Building and Code Enforcement webpage, with copies submitted to the City Council for its consideration; and

**WHEREAS**, pursuant to Title 18 of the San José Municipal Code, public notice was given that on February 8, 2021 at 6:00 p.m. the Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed General Plan Amendment (Exhibit "A"); and

**WHEREAS**, prior to making its determination on the General Plan Amendment, the Council reviewed and adopted the 3354 Keaton Loop General Plan Amendment for File No. GP21-003 (Resolution No. \_\_\_\_\_) in accordance with the California Environmental Quality Act; and

**WHEREAS**, the Council of the City of San José is the decision-making body for the proposed General Plan Amendments; and

**WHEREAS**, the General Plan Amendment will not result in inconsistent zoning because the site is being concurrently rezoned to the Commercial Pedestrian Zoning District (File No. C21-036) and will not take effect until the associated rezoning ordinance takes effect; and

**WHEREAS**, pursuant to California Senate Bill (SB) 330, a city is prohibited from enacting a development policy, standard, or condition, as defined, that would have the effect of changing the land use designation or zoning of a parcel or parcels of property to a less intensive residential use or reducing the residential intensity of land use within an existing zoning district below what was allowed under the general plan or specific plan land use designation and zoning ordinances of the county or city as in effect on January 1, 2018; and

**WHEREAS**, California Government Code Section 66300(b)(1) allows a city to change a land use designation or zoning ordinance to a less intensive residential use if the city concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity; and

**WHEREAS**, no net loss of residential capacity will result from this General Plan amendment because the City is concurrently amending the General Plan land use designation of the property at 3354 Keaton Loop (APN: 659-05-039, 659-05-021) from Residential Neighborhood (8 du/acre) to Neighborhood/Community Commercial (0 du/acre), in which the proposed project decreases residential capacity by 5 housing units with GP21-007 which is increasing residential capacity by 57 units and therefore, there is no net loss in residential capacity with the change in land use designation set forth herein; and

**NOW, THEREFORE,** BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE  
AS FOLLOWS:

**SECTION 1.** The Council's determination regarding General Plan Amendment File No. GP21-003 is hereby specified and set forth in Exhibit "A," attached hereto and incorporated herein by reference.

**SECTION 2.** The General Plan Land Use Amendment specified in GP21-003, as set forth in Exhibit "A" of this Resolution, shall take effect upon the effective date of the associated rezoning ordinance for File No. C21-036.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

ATTEST:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk

STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

)  
) ss  
)

I hereby certify that the amendments to the San José General Plan specified in the attached Exhibit A were adopted by the City Council of the City of San José on \_\_\_\_\_, as stated in its Resolution No. \_\_\_\_\_.

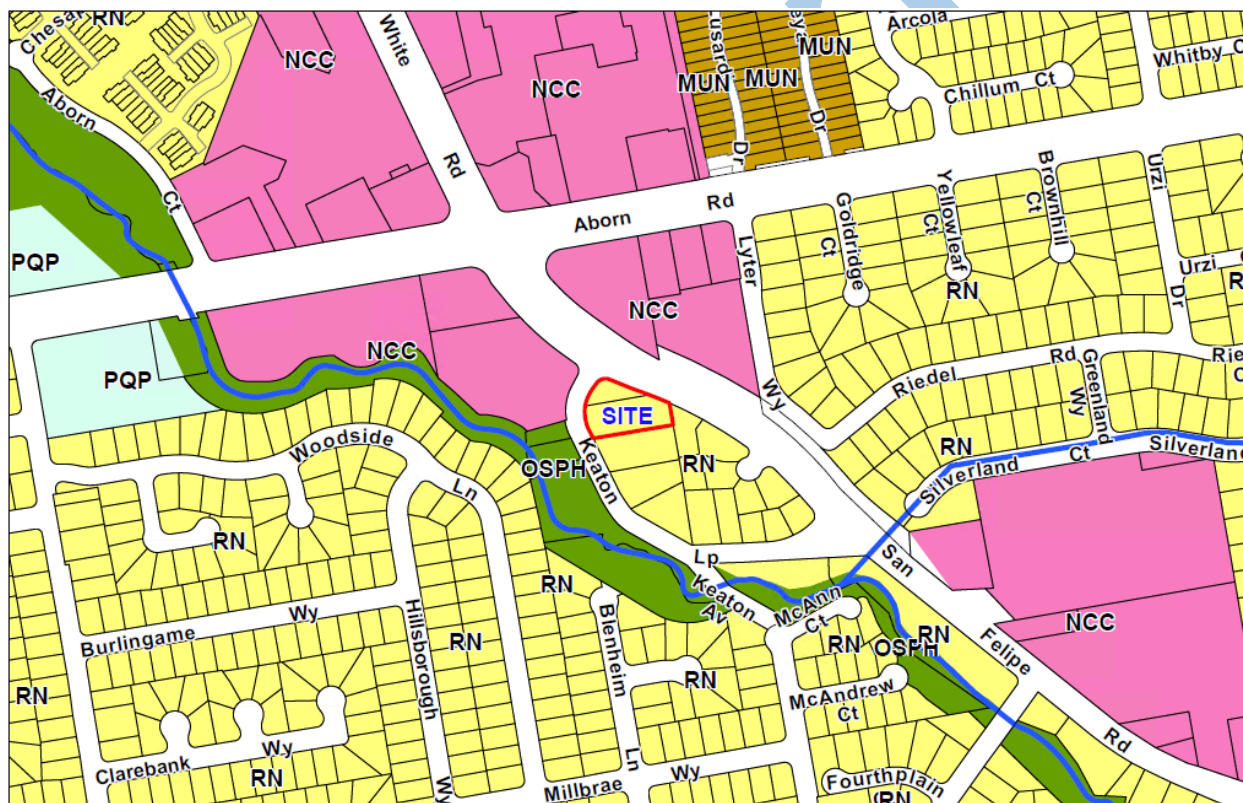
Dated: \_\_\_\_\_

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk

## **EXHIBIT A**

**File No. GP21-003.** The Envision San Jose 2040 General Plan 2040 Land Use/Transportation Diagrams hereby amended as follows:

### **Exhibit A-1: Existing Land Use Designation**



## Exhibit A-2: Revised Land Use Designation

